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7

8 **UNITED STATES DISTRICT COURT**
9
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 **ALBERT WRIGHT, JR. AND MARVA JOE**
12 **GREEN WRIGHT**

13 **Plaintiffs,**
14 **vs.**

15 **A. W. CHESTERTON, COMPANY, et al.,**

16 **Defendants.**

Case No. C-07-5403(MJJ)

**STIPULATION AND PETITION FOR AN
ORDER DISMISSING LESLIE
CONTROLS, INC. WITH PREJUDICE
AND REMANDING CASE TO
CALIFORNIA SUPERIOR COURT**

Judge: Hon. Martin Jenkins
Courtroom: 11

AND ORDER

21
22 **WHEREAS, Defendant, Foster Wheeler LLC, removed this case to federal court from the**
23 **Superior Court of California, City and County of San Francisco pursuant to 28 U.S.C. §**
24 **1442(a)(1). Plaintiffs timely sought the immediate remand of this action to Superior Court of**
25 **California, City and County of San Francisco. Defendant Leslie Controls, Inc. filed a joinder in**
26 **Foster Wheeler LLC's removal petition and opposition to plaintiffs' motion to remand the case to**
27 **state court. Said remand motion was denied on or about February 25, 2008.**

28 **Plaintiffs and removing party, Foster Wheeler LLC, have stipulated to Foster Wheeler**

1 LLC's dismissal with prejudice and consented to and requested remand of this action to Superior
2 Court of California, City and County of San Francisco.

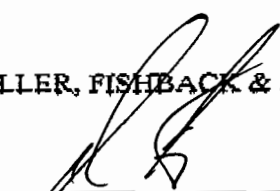
3 Plaintiffs and Leslie Controls, Inc., the only party to join in the removal petition and
4 opposition to remand, have considered the matter further and hereby stipulate and agree as
5 follows: Plaintiffs and Leslie Controls, Inc. do and hereby stipulate that Leslie Controls, Inc.
6 should be dismissed from this action with prejudice pursuant to FRCP 41(a)(2); the parties will
7 bear their own costs; and Plaintiffs and Leslie Controls, Inc. consent to and request the immediate
8 remand of this action to Superior Court of California, City and County of San Francisco under
9 these terms.

10 Accordingly, Plaintiffs and Leslie Controls, Inc. petition this Court for an order dismissing
11 Leslie Controls, Inc. with prejudice, from this personal injury or any subsequent wrongful death
12 action in this federal court case no. C-07-5403(MJJ) and any subsequent state court action with the
13 parties bearing their own costs, and remanding this case to Superior Court of California, City and
14 County of San Francisco pursuant to this stipulation.

15 IT IS SO STIPULATED.

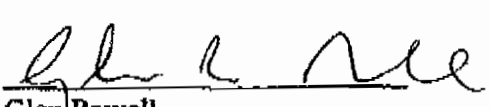
16 Dated: 3/5/08

KELLER, FISHBACK & JACKSON LLP


Stephen Fishback
Attorneys for Plaintiffs

20 Dated: 3/3/08

GORDON & REES, LLP


Glen Powell
Attorneys for Leslie Controls, Inc.

24 IT IS SO ORDERED:

26 Dated: 3/6/2008


Martin J. Jenkins
Judge of the United States District Court